

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
**ASBESTOS LITIGATION**

**Docket No:** L-2585-18 (AS)

BONNIE MYERS,  vs.  BORGWARNER MORSE TEC LLC, et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 18, 2018:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Gibbons PC	Daniel Dorfman	Honeywell International
Rawle & Henderson	Sam Garson	Cyprus Amax Minerals; Imerys Talc America
Tanenbaum Keale	Afigo Fadahunsi	BorgWarner Morse Tec

IT IS on this 22<sup>nd</sup> day of October, 2018, effective from the conference date;

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

**DISCOVERY**

- December 14, 2018 Defendants shall serve answers to standard interrogatories by this date.
- January 31, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 1, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- March 1, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 30, 2019 Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.

April 30, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

July 19, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 19, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 2, 2019 Summary judgment motions shall be filed no later than this date.

August 30, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

June 28, 2019 Plaintiff shall serve medical expert reports by this date.

June 28, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 15, 2019 Defendants shall identify its medical experts and serve medical reports, if any, by this date. In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.

### **LIABILITY EXPERT REPORTS**

June 28, 2019 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

October 15, 2019 Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

### **EXPERT DEPOSITIONS**

November 15, 2019 Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

**PRE-TRIAL AND TRIAL**

To be scheduled	Settlement conference.
December 9, 2019	Pretrial Information Exchange submissions due.
December 16, 2019	Trial-Ready Date.

***Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.***

*/s/ Ana C. Viscomi*  
ANA C. VISCOMI, J.S.C.

cc: counsel:

Jones Law Office for Metropolitan Life

McCarter & English for Johnson & Johnson; Johnson & Johnson Consumer

cc: Clerk, Mass Tort

VACATED